

**Vermont Board of Medical Practice
Minutes of the May 7, 2008 Meeting
Gifford Medical Center, Randolph, Vermont**

“Approved June 4, 2008”

1. Call to Order; Call the Roll; Acknowledge Guests

Dr. Clauss, Chair of the Board, called the meeting to order at 12:22 p.m.

Members Present:

David W. Clauss, MD; Patricia A. King, MD, PhD; John J. Murray, MD; John Webber, Esq; Sharon L. Nicol; William H. Stouch, MD; Robert R. Rinaldi, DPM; Russell P. Davignon, M.D.; William K. Hoser, PA-C; Honorable David A. Jenkins; Harvey S. Reich, M.D.; Janice E. Ryan, RSM; Florence Young;

Others in Attendance:

James Arisman, Assistant Attorney General; Philip Ciotti, Investigator; Roberta Downes, Licensing Administrator; Dixie Henry, Assistant Attorney General; William E. Wargo, Director; Paula Nenninger, Investigator; Margaret Vincent, Assistant Attorney General; Bessie Weiss, Assistant Attorney General; Todd Mandell, M.D., Medical Director for ADAP; Steve Shapiro, M.D., Medical Examiner for the Vermont Department of Health; David Simmons, M.D., Medical Director for the Vermont Medical Society; Madeleine Mongan, Vermont Medical Society; Colleen Magne, Vermont Medical Society; Marjorie Power, Presiding Officer (Participate by phone)

2. Public Comment

None

3. Approval of the Minutes of the April 2 and 16, 2008 Board Meetings:

Mr. Webber made a motion to accept the minutes of the April 2, 2008 Board meeting. Dr. Davignon seconded the motion. The motion passed, opposed: none; abstained: none.

Mr. Webber made a motion to accept the minutes of the April 16, 2008 Board meeting. Dr. Stouch seconded the motion. The motion passed, opposed: none; abstained: none.

4. Presentations to the Board:

First Presenter:

Dr. Todd Mandell, Medical Director for the Alcohol and Drug Abuses Program with the Vermont Department of Health spoke to the Board about prescription drug abuse.

Dr. Mandell said that in some cases teens are simply getting these prescription drugs out of the home medicine chest. Once the person they were prescribed for is done taking them, the remainder of the prescription sits on the shelf and is not disposed of.

Dr. Mandell spoke about medication assisted treatments used for other substance and drug related addictions. Methadone and Buprenorphine are two drugs currently used in the treatment of drug addictions cases. Methadone is done through a regulated treatment center; buprenorphine can be obtained through a primary care physician who has had some type of training in prescribing this drug.

Dr. Mandell referred the Board members to the Vermont Buprenorphine Practice Guidelines on the Vermont Department of Health website for more information.

Dr. Mandell spoke about the need to use an assessment system to determine the level of care a person may need; for example inpatient care as opposed to out patient care. One screening tool used is the ASAM system. Some inpatient treatment facilities mentioned were Fletcher Allen Health Care and Central Vermont Hospital.

Second Presenter:

Dr. Steve Shapiro, Chief Medical Examiner for the Vermont Department of Health spoke on the number of deaths in Vermont related to prescription drugs. He informed the Board that as of March 16, 2008 there has been 19 drug fatalities in this state and 4 suicides. He also went on to give numbers relating to the numbers of overdoses involving prescription drugs. The numbers were broken down to the users of the drug being the person they were actually prescribed for and not prescribed for.

Dr. Shapiro also presented some general examples of cases in which prescription drugs were involved in the cause of death. In some incidents a patient received more than one prescription for a drug within a short period. The additional prescription(s) was obtained through a different physician's office.

Third Presenter:

Dr. David Simmons, Medical Director for the Vermont Medical Society spoke to the Board regarding the Vermont Practitioner Health Program (VPHP). Dr. Simmons invited the Board to ask any questions regarding the Vermont Practitioner Health Program 2007 Annual Report they received in the May 7th, 2008 Board packet.

Dr. Simmons gave a brief history and overview of VPHP. He also spoke about the outreach and presentations he has done so far this year.

Dr. Simmons said that VPHP is looking at expanding the scope of the medical professionals they serve and the types of issues they address. For example, offering such services to nurses; and addressing issues such as depression and chronic fatigue.

Dr. Simmons informed the Board that the North Carolina monitoring program has a monitoring software that Vermont and Maine are looking at possibly getting installed.

5. Board Matters (Dr. Clauss)

Dr. Clauss formerly welcomed Sr. Ryan, Mr. Hoser and Honorable Jenkins to the Board of Medical Practice.

6. Administrative Update (Mr. Wargo)

Mr. Wargo briefly mentioned that Dr. Clauss and he attended the Federation of State Medical Boards 2008 Annual Meeting in San Antonio TX this month.

Mr. Wargo notified the Board that renewals for Limited Temporary Licenses are underway.

Mr. Wargo informed the Board that Dr. Mark Levine said that he was going to talk with the council of the American College of Physicians (ACP) to see if they would approve being a sponsor of our Vermont Humanities Council (VHC) Program planned for late 2008 and early 2009. He is the Vermont representative of the ACP. Mr. Wargo also mentioned that the VHC program will qualify for Continuing Medical Education (CME) credit.

Mr. Wargo informed the Board that Dr. Jan Carney from the University of Vermont has offered to have some medical students work with the Board of Medical Practice in creating a newsletter.

7. Presentation of Applications

Applications for physician licensure and physician assistant certification were presented and acted upon as detailed in Appendix A.

8. Recess; Convene Hearing (Ms. Power)

Board Recessed at 2:32 p.m.

Ms. Power convened a hearing to consider adjudicative matters before the Board.

In re: Paul R. Silverstein, M.D., MPC 181-1207 – Stipulation & Consent Order

Brought forth by and presented by Mr. Arisman.

Dr. Rinaldil made a motion to approve the Stipulation and Agreement. Dr. Murray seconded the motion. The motion passed, opposed: none; abstained: Central Committee (Dr. Murray, Dr. Clauss, Dr. Davignon, Honorable Jenkins, and Ms. Young).

In re: Kenneth James, M.D., MPS 56-0307 – Motion to withdraw from Temporary and Voluntary Cessation of Practice Agreement

Brought forth by and presented by Ms. Vincent.

Honorable Jenkins made a motion at 2:45 p.m. to go into Executive Session to discuss confidential matters related to the case before the Board. Dr. Stouch seconded the motion. The motion passed, opposed: none; abstained: none.

Return to open session: 2:58 pm

Dr. Clauss made a motion that the Board approves an amended Motion to withdraw from Temporary and Voluntary Cessation of Practice Agreement that specifically states and does not imply reinstatement of any medical license in the state of Vermont.

Dr. Murray seconded the motion. The motion passed, opposed: none; abstained: South Committee (Mr. Hoser, Dr. Reich, Dr. Rinaldi, and Mr. Webber)

9. Break 3:05 p.m.

Meeting resumed 3:10 p.m.

10. Executive Session to Discuss Investigative Matters

Mr. Webber made a motion at 3:10 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Davignon seconded the motion. The motion passed, opposed: none; abstained: none.

11. Open Session

Return to open session: 3:28 p.m.

Dr. Reich, South Investigative Committee, moved to close:

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|--------------|--------------|
| MPS 105-0707 | MPS 116-0707 |
| MPS 9-0108 | MPS 18-0208 |
| MPS 8-0108 | MPS 16-0208 |
| MPS 17-0208 | MPS 122-0807 |

Seconded: Dr. Murray. Passed, Opposed: none. Abstained: None

Dr. Murray, Central Investigative Committee, moved to close:

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|-------------|--------------|
| MPC 23-0208 | MPC 133-0907 |
|-------------|--------------|

Seconded: Dr. Stouch. Passed, Opposed: none. Abstained:

Dr. King, North Investigative Committee, moved to close:

| | |
|-------------|------------|
| MPN 30-0206 | MPN 3-0108 |
| MPN 32-0308 | |

Seconded: Dr. Murray. Passed, Opposed: none. Abstained: None

12. Any Other Business:

None

13. Next meetings:

Upcoming meetings:

- **June 4, 2008**, Licensing Committee meeting, 10:30 a.m. Gifford Medical Center, Randolph
- **June 4, 2008**, Board meeting, 12:00 p.m. Gifford Medical Center, Randolph

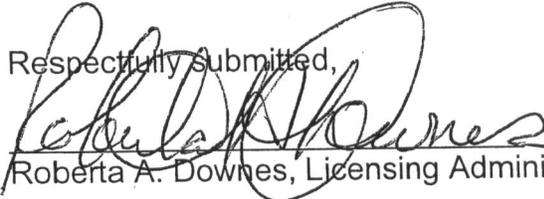
- **June 12, 2008**, North Investigative Committee Meeting, 12 p.m., Water Supply Conference Room #039, Old Pantry Building, State office Complex, Waterbury
- **June 13, 2008**, Central Investigative Committee Meeting, 12 p.m, Liquor Control Conference Room, 13 Green Mountain Drive, Montpelier
- **June 18, 2008**, Board meeting on pending applications, 1:10 p.m., teleconference meeting, with public access at the Board offices, 101 Cherry Street, Burlington
- **June 18, 2008**, South Investigative Committee Meeting, 1:20 p.m., Asa Bloomer Building, 88 Merchants Row, Rutland

14. Adjournment

Honorable Jenkins made a motion to adjourn. Dr. Stouch seconded the motion. The vote was all in favor, opposed: none, abstained: none.

Meeting adjourned at 3:45 p.m.

Respectfully Submitted,


Roberta A. Downes, Licensing Administrator

Attachments:

Appendix A

Presentation of Applications (Recommendations were in the form of motions by the member making the recommendation)

Dr. Clauss reported on an interview conducted with

Erin Tsai, MD
David Esmail, MD

Recommended for physician licensure
Seconded by Dr. Murray, passed, opposed: none, abstained: none

Dr. Clauss moved on limited temporary licenses for

Maroun Azar, MD
Amanda Colgan, MD
Shaina Drummond, MD
Anthony Fritzler, MD
Yash Patel, MD
Philip Skidd, MD
Kevin Thomas, MD

Seconded by Dr. Rinaldi, passed, opposed: none, abstained: none

Dr. Davignon reported on an interview conducted with

Jeniane Daniels, PA-C

Recommended for physician assistant certification
Seconded by Mr. Webber, passed, opposed: none, abstained: none

Dr. Davignon reported on an interview conducted with

Dhawal Goradia, MD
Charles Henry, MD
Peter Holzberger, MD
Edward James, MD
Linda Kocsis, MD
Richard Orlan, MD
Mohsin Qayyum, MD
Michael Rethy, MD
Samir Shah, MD
Michael Smith, MD
Mitchell Smith, MD

Recommended for physician licensure
Seconded by Mr. Webber, passed, opposed: none, abstained: none

**Dr. King reported on an interview conducted with
Ian Black, MD**

Recommended for physician licensure
Seconded by Dr. Davignon, passed, opposed: none, abstained: none

**Dr. Murray reported on an interview conducted with
Waqar Waheed, MD
Laura Yeates, MD**

Recommended for physician licensure
Seconded by Ms. Young, passed, opposed: none, abstained: none

**Dr. Murray reported on an interview conducted with
Marjorie Smith, MD**

Recommended for physician licensure
Seconded by Dr. King, passed, opposed: none, abstained: none

**Dr. Rinaldi reported on an interview conducted with
Joni Chenowith, PA-C**

Recommended for physician assistant certification
Seconded by Dr. King, passed, opposed: none, abstained: none

**Dr. Stouch reported on an interview conducted with
Heather Holmes, PA-C**

Recommended for physician assistant certification
Seconded by Mr. Webber, passed, opposed: none, abstained: none

**Dr. Stouch reported on an interview conducted with
Stephanie Ardell, MD
Greta Hanson, MD
Jeffrey Inman, MD
Martina Kacer, MD
Michael Sutherland, MD**

Recommended for physician licensure
Seconded by Mr. Webber, passed, opposed: none, abstained: none